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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,079	12/20/2001	Francis Paul Abuto	15708	2174

23556 7590 10/24/2003

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EXAMINER

GRAY, JILL M

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,079

12
Applicant(s)

ABUTO ET AL.

Examiner

Jill M. Gray

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,8,10,1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: the disclosure on page 16 of the specification discloses related copending applications but fails to disclose the serial numbers and present status, whether pending, patented or abandoned.

Appropriate correction is required.

Claim 7 is objected to because of the following informalities: "silicon carbide" and "calcium chloride" are repeated in this claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11, 14, 16-17, and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Breznak et al, (Breznak).

Breznak teaches a bicomponent fiber having a sheath/core structure, as required by claims 1, 10, and 14. The fiber is formed from a synthetic polymer such as polyester and has an additive such as carbon black dispersed in the sheath component, per claims 6-7 and 11. See column 2, lines 54-61. The additive is added in an amount of at least 3% and preferably in an amount of about 5% to about 15%, as required by claims

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8-9 and 18-19. See column 3, lines 54-55. In addition, Breznak teaches that the fiber is stretched, per claims 16-17. See column 3, line 66. Regarding the dielectric loss of the fiber as set forth in claims 1-5 and 19, Breznak teaches the same additive as that contemplated by applicants, namely, carbon black. Accordingly, it is the examiner's position that the same compound would necessarily have the same properties and therefore the dielectric loss of the fiber and the requirement that the additive be "capable of dielectric heating" are inherent in the carbon black of the prior art.

Therefore, the teachings of Breznak anticipate the invention as claimed in claims 1-11, 14, 16-17 and 18-19.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hull, 3,803,453.

Hull teaches a synthetic filament having a sheath/core configuration, per claims 1, 10 and 14. See abstract. The synthetic polymers forming the filament are of the type contemplated by applicants in claim 6, such as polyolefins, polyamides, and polyesters. See column 3, lines 39-55 and column 4, lines 34-44. The core component of the filament comprises carbon black in an amount of 15 to 50 percent by weight and the sheath component contains titanium dioxide in an amount of 2 to 7 percent by weight, as required by claims 7-13. See claims 2 and 7. In addition, Hull teaches that the filaments can be crimped and drawn and used to form nonwoven articles, per claims 15-17 and 20. See column 5, line 62 through column 6, and line 12. Regarding the dielectric loss of the fiber as set forth in claims 1-5 and 19-20, Breznak teaches the same additives as that contemplated by applicants, namely, carbon black and titanium

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dioxide. Accordingly, it is the examiner's position that the same compounds would necessarily have the same properties and therefore the dielectric loss of the fiber and the requirement that the additive be "capable of dielectric heating" are inherent in the carbon black and titanium dioxide of the prior art.

Therefore, the prior art teachings of Hull anticipate the invention as claimed in claims 1-20.

Applicants have not clearly identified that which they regard as their invention. The prior art clearly teaches fibers and bicomponent fibers comprising additives of the same type contemplated by applicants incorporated in the same amounts.

No claims are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill M. Gray whose telephone number is 703.308.2381. The examiner can normally be reached on M-F 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 703.308.0449. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0651.

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Jill M. Gray
Examiner
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